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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Petition of Cox Virginia Telecom, Inc. )  
Pursuant to Section 252(e)(5) of the )  
Communications Act for Preemption )  
Of the Jurisdiction of the Virginia )  
State Corporation Commission )  
Regarding Interconnection Disputes )  
With Verizon -Virginia, Inc. And )  
For Arbitration )

CC Docket No. 00-249

In the Matter of )

Petition of AT&T Communications of Virginia, )  
Inc., Pursuant to Section 252(e)(5) of the )  
Communications Act, for Preemption of the )  
Jurisdiction of the Virginia State Corporation )  
Commission Regarding Interconnection )  
Disputes with Verizon-Virginia, Inc. )

CC Docket No. 00-251

### COMMENTS OF WORLDCOM, INC.

WorldCom, Inc. ("WorldCom") hereby respectfully submits these comments pursuant to the Federal Communications Commission's (the "Commission") Public Notices concerning petitions filed by Cox Virginia Telcom, Inc. ("Cox") and AT&T Communications of Virginia, Inc. ("AT&T" or collectively "Petitioners"),<sup>1</sup> pursuant to section 252(e)(5) of the Telecommunications Act of 1996 (the "Act"). The Petitioners seek preemption of the jurisdiction of the Virginia State Corporation Commission ("Virginia Commission") and arbitration of an interconnection agreement with Verizon-Virginia, Inc. ("Verizon") for the

<sup>1</sup> Public Notice, Pleading Cycle Established for Comments on Cox Petition for Preemption Pursuant to 47 U.S.C. § 252(e)(5), CC Docket No. 00-249, DA 00-2484 (rel. Dec. 14, 2000); Public Notice, Pleading Cycle Established for

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Commonwealth of Virginia.<sup>2</sup> The Petitioners also filed motions to combine their Petitions,<sup>3</sup> for hearing purposes, with the pending petition for preemption and arbitration filed by WorldCom.<sup>4</sup>

The Commission should grant the Petitions. The facts presented in the Petitions mirror WorldCom's experience with the Virginia Commission. It is clear that the Virginia Commission has "failed to act to carry out its responsibilities" within the meaning of Section 252(e)(5) of the Act. As WorldCom demonstrated in its petition, the Virginia Commission has purposely refused to carry out its duties under the Act offering instead only to arbitrate under state law. The Virginia Commission has made it known in no uncertain terms that it will act only pursuant to state law until Eleventh Amendment issues are resolved. That being the case, WorldCom agrees with Petitioners that the Commission must preempt the Virginia Commission's jurisdiction and assume the duties necessary to effectuate a resolution to the interconnection agreement disputes.

Petitioners also request consolidation of their Petitions with that of WorldCom. WorldCom agrees that both petitions make similar preemption and arbitration requests. While WorldCom does not oppose consolidation of the matters, WorldCom maintains the request that the Commission not unreasonably delay arbitration of WorldCom's interconnection dispute until it issues a decision on the Petitions. Petitioners' arbitration plans should not delay WorldCom's preemption and arbitration requests.

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*Comments on AT&T Petition for Preemption Pursuant to 47 U.S.C. § 252(e)(5)*, CC Docket No. 00-251, DA 00-2838 (rel. Dec. 14, 2000) (collectively, the "Petitions").

<sup>2</sup> Petition of Cox Virginia Telcom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc. (filed Dec. 12, 2000); Petition of AT&T Communications Verizon-Virginia, Inc., Pursuant to Section 252(e)(5) of the Communications Act for Expedited Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc., CC Docket No. 00-251 (filed Dec. 15, 2000).

<sup>3</sup> Motion for Combination of Arbitration Petitions for Hearing of Cox Virginia Telcom, Inc., CC Docket No. 00-249 at 8 ("Cox Motion"); Motion to Consolidate of AT&T Communications of Virginia, Inc., CC Docket No. 00-251 (filed Dec. 15, 2000) ("AT&T Motion").

<sup>4</sup> Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Expedited Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc. and for Expeditious Arbitration, CC Docket No. 00-218 (filed October 26, 2000).

As for the process of a consolidated arbitration proceeding, WorldCom defers to the Commission staff's discretion as to how a consolidated arbitration proceeding should be structured. If the Commission chooses to defer setting detailed arbitration procedures, and seeks input from the parties, WorldCom agrees with AT&T's suggestion that the Commission convene a status conference with the parties.<sup>5</sup> Further, like Cox, WorldCom strongly encourages the Commission to conduct the arbitration itself and not delegate the arbitration to outside arbitrators.<sup>6</sup> As WorldCom demonstrated in its petition, Commission staff personnel are best qualified to consider the issues as they have day-to-day expertise in federal telecommunications law and understand both the full range of arbitration issues and the operations of local exchange carriers. However, should the Commission decide to use independent arbitrators, WorldCom believes there still should be a panel of arbitrators -- preferably with Common Carrier Bureau involvement.

WorldCom also agrees with Cox that the Commission should complete its arbitration proceeding 110 days from the date of its preemption order.<sup>7</sup> The parties have already experienced a delay due to the Virginia Commission's failure to act. Concluding the arbitration in a timeframe that approximates the timeframes imposed by the Act would ensure that the case will not be subject to further undue delay.

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<sup>5</sup> AT&T Motion at 2. AT&T alternatively suggested that the Commission invite the parties to file written submissions on arbitration recommendations. WorldCom believes that convening a status conference would be a more expedient way to address parties' recommendations and reach agreement on appropriate arbitration procedures.

<sup>6</sup> Cox Motion at 10-14.

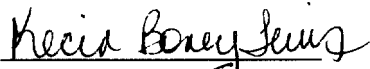
<sup>7</sup> Id. at 8.

For the foregoing reasons, WorldCom supports grant of the Petitions for preemption and arbitration. WorldCom also does not oppose the Petitioners' motions for combined arbitrations.

Respectfully submitted,

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Dated: December 29, 2000

## Certificate of Service

I, Kecia Boney Lewis, do hereby certify, that on this twenty-ninth day of December, 2000, I have caused to be served by United States Postal Service first class mail and by hand delivery, a true and correct copy of WorldCom, Inc.'s Comments on the following:

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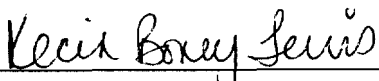
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